FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.628 OF 2005
IN
WRIT PETITION NO.977 OF 2003

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	Coram, : Court's or Judge's Orders : .

Ms. S.K. Bhosale h/f. Mr. V.N. Tayade for the applicant.

Mr. J.S. Kini for the respondent.

CORAM: SMT. RANJANA DESAI, J.

DATED: 18TH AUGUST, 2005.

P.C.:-

In this civil application filed by the respondent in the writ petition, it is prayed that the interim order dated 12/11/2003 passed in Writ Petition No.977 of 2003 be vacated.

On 12/11/2003 while issuing Rule, this court had granted interim stay of possession subject to condition that the petitioner should deposit in the trial court rent upto 30/11/2003 within eight weeks and deposit the current rent regularly on or before 15th of each month commencing from

December, 2003. This court further ordered that the respondent i.e. applicant in this civil application will be at liberty to withdraw the amount deposited by the petitioner.

It is the case of the applicant that the respondent's standard rent application was dismissed and, therefore, he is liable to pay Rs.400/- per month whereas it is the case of the respondent who is the petitioner in the writ petition that the entire issue is subjudice in this court and, therefore, he is liable to deposit only Rs.100/- per month in the court.

After hearing, at length, the learned counsel for the parties, in my opinion, the following order will meet the ends of justice.

O R D E R

The respondent in this civil application shall deposit Rs.200/- per month in the trial court on or before

15th day of each month. This is an interim order which shall be in existence till the writ petition is finally decided. It is clarified that this interim order is without prejudice to the rights and contentions of the parties. It is further clarified that this court has not expressed any opinion on the aspect of the standard rent of the suit premises.

It appears that the respondent in this civil application has so far made payment at the rate of Rs.100/- per month. He shall pay the amount which will be found due from him from 25/8/1998 till date, on the basis of the order passed by me today, within a period of four months from today. Needless to say that he shall go on depositing the rent at Rs.200/- per month till the disposal of this writ petition. The applicant i.e. the respondent in the writ petition will be at liberty to withdraw the said amount.

Civil application is disposed of.

(SMT. RANJANA DESAI, J.)